

YOUNG GIRL SWEARS SHE SAW SHOOTING OF THE REV. M. KELLER.

DELAY IN THE KENNEDY CASE.

Decision To-Morrow As to Whether or Not the Accused Dentist Will Be Tried a Fourth Time.

Miss Room Points Out Barker as the Man Who Fired the Fourth Shot.

(Continued from First Page.)

orn States, where the "unwritten law" is all potent, this would be a valid plea. But it is the first time that the issue has been squarely presented to a Jersey court and jury and the keenest interest is taken in the outcome.

Mr. Barker Appears.

The first of the principals in the trial to make his appearance was Barker. He stepped out of a door in the rear of the court-room and gazed over the crowd.

On the east side of the room were grouped the women, their millinery giving the patch they occupied the appearance of a flower garden.

As Barker appeared thirty-five female noses were elevated and there were thirty-five sniffs expressive of anything but pleasure. There were thirty-seven women in the room. The west side of the courtroom was given over to the male spectators, and chief among them were Bishop Starkey, of the Newark Diocese and other clergymen.

These, from appearances, agreed with the women in their opinion of Barker, but many of the laymen smiled at him encouragingly. Barker turned very pale as he glanced over the crowd. He swallowed convulsively and his black eyes snapped as he took in the hostile glances of the Keller supporters.

He turned and beckoned with both hands. A frail woman, gowned in gray, appeared, closely followed by a taller woman in a black dress, Mrs. Barker and her staunch friend, Miss Gernon.

Mrs. Barker is not beautiful. She looks the woman of poor health. Altogether, she was quite a pathetic figure, but the women became even more frozen in their demeanor when she appeared.

Barker recovered his composure soon after he had taken his seat at the table with his counsel, Albert C. Wall and Marshall Van Winkle.

He said to an Evening World reporter: "I think I did right when I shot Mr. Keller. No married man who heard the tale I heard would have hesitated for an instant. I believe my wife told me the truth. She never told me a lie in her life."

Rev. John Keller's Entrance.

Rev. John Keller's entrance was quite dramatic. He came down the aisle of the court-room just as the great bell in the tower was booming out the call to trial. He wore a long black coat and spectacles.

Cotton covered the nave, where his right eye had been and also the left eye, the sight of which has been affected.

Leaning heavily on the arm of a companion, he walked slowly to the inclosure and took his seat within reaching distance of Barker.

Mrs. Barker was absolutely unconcerned as the blind clergyman passed so close that his black coat almost brushed her gown. Her gaze had more of curiosity in it than anything else.

The lips of Miss Gernon curled as she looked at Keller. Barker grew pale again as his victim passed him. There was no regret in his eyes.

Clergymen Present.

Among the prominent clergymen present were Bishop Thomas A. Starkey, of the Newark diocese; Rev. Alexander Mann, Arch Deacon of Newark, Rector of Grace Church, Orange, N. J.; Rev. C. S. Abbott, rector of Christ Church, Belleville; Rev. George S. Bennett, rector of Grace Church, Jersey City; and Daniel P. Warren, rector of St. Mary's.



BARKER, MRS. BARKER AND MISS GERMUND

Jersey City, Rev. William Richmond, rector of All Saints Church, Jersey City; Rev. John G. Egan, rector of the Church of the Holy Innocents, Hoboken; Rev. August Fiedler, rector of Trinity Mission, Arlington, Keller's old parish.

Judge Blair opened court with little ceremony by calling the title of the case.

The first witness's name was called, when Lawyer Van Winkle interposed a challenge and asked permission to call the Sheriff to testify as to the manner of drawing the jury.

Jury Unconstitutional

"We contend," said Mr. Van Winkle, that this jury has been drawn in violation of the Constitution of the United States and also the Constitution of the State of New Jersey.

"We contend that this jury is not a jury of the county, that it is a jury drawn by the Judge of the Court, that it abridges the defendant's right of peremptory challenge, limits his number of challenges to five and that the jury is unconstitutionally drawn."

"We therefore object to proceeding under this indictment."

This was the first indication that the defense objected to the trial of the case by a "struck" jury.

"I have also learned," said Mr. Van Winkle, "that several of the panel of forty-eight jurors called by the Sheriff are exempt from jury duty, and we object on that ground also to selecting a jury from this panel."

James S. Erwin argued that the jury panel had been properly drawn. Judge Blair interrupted.

"The challenge is overruled," he said.

Every other objection of Mr. Van Winkle was treated in a like manner. The jury was selected at express-train speed. It was vastly different from the methods in New York. Each side was allowed five peremptory challenges merely from looking at the jurors. No examination was permitted.

At 11:25 o'clock the jury box was filled.

One Hundred and Five Witnesses.

When the jury had been trianularly sworn in the manner peculiar to Jersey, six men in two lines, back to back, two court officers in front of each line, each court officer holding a bible on which the three jurymen placed their hands, the calling of the list of witnesses for the prosecution was begun.

In all 105 names were called. The witnesses who can testify directly as to the assault upon the minister do not number a score.

At least seventy-five of the prosecution's witnesses were called to testify. If necessary, to the good character of Rev. John Keller.

Barker sat around in his chair and threw his right leg over the arm of it when Mr. Erwin began his argument. He paid close attention to the speech, now and then glancing at the minister, and when Mr. Erwin said that the first Rev. Mr. Keller knew of the proximity of Barker was when he heard a revolver shot and felt a sharp pain in his head, he smiled in a sly manner.

Mrs. Barker betrayed great nervousness, shifting back and forth in her chair, seemingly most uncomfortable. In his opening remarks Mr. Erwin said:

"When those shots rang out on the still air that quiet Sunday morning the impression in the vicinity was that a dog was being shot in a like manner."

Mrs. Barker nudged her female companion and stole a glance at the clergyman at this.

"Shot Like a Dog."

Prosecutor Erwin made the opening address to the jury. He said that a number of witnesses had seen the shooting and would testify. He rehearsed the story of the shooting as given by Mr. Keller, which did not materially differ from the published accounts.

"The State will contend," said Mr. Erwin, "that Keller was first shot from behind by Barker, who lay in wait for him, and that he was shot at three times afterward while he was lying on the sidewalk."

"Shot like a dog, as some of the witnesses will testify."

Mr. Van Winkle moved that the State elect upon which of the four counts of the indictment the prosecution would proceed.

The court refused to so direct.

Diagram of the Scene.

Lewis Vroom, a civil engineer, was the first witness, and exhibited a diagram of the scene of the shooting made by him for the use of the prosecution.

"Why that red mark on the map?" demanded Mr. Van Winkle, in cross-examination.

"To indicate the scene. I was told to mark it."

"Q. Why in red? A. Oh, I just had that color."

"Q. Why mark it in the form of a cross? What did you mean to indicate? A. Only my way of marking."

William H. Harrison, a photographer, testified that he photographed the scene

of the shooting at the northeast corner of Beach street and Midland avenue, Arlington, and that he also photographed the Rev. Mr. Keller when he was supposed to be lying in his room.

"It was told to take a picture of Mr. Keller as he lay in bed. It was Feb. 12."

"Mr. Keller's hands appear here raised and extended," said Mr. Van Winkle.

Photographed Mr. Keller.

Q. Was it that way when you went in or was Mr. Keller told to pose himself? A. He appeared to be unconscious of what was going on.

Q. Were the bandages over Mr. Keller's eyes and hand removed for you to take this picture? A. Yes, by the nurse or the doctor.

"This photograph of Mr. Keller," said Mr. Van Winkle, "I object to, because it was taken for a humorous effect. It was gotten up to influence this jury. I ask the court to exclude it."

The objection was overruled. Hugh R. Room, who lives on the northeast corner of Midland avenue and Beach street, in Arlington, testified that he heard a pistol shot about 8 o'clock in the morning the day of the crime, followed by three other shots. He ran out and saw Mr. Keller being assisted to his house. Room did not see Barker.

"I asked Mr. Keller who shot him," said Room.

He was not permitted to tell what Keller's reply was.

A lot of sparring followed between the lawyers in relation to the helge alongside of Room's premises, behind which Barker is alleged to have lain in wait for Keller.

"Could you see a goat walking behind that hedge?" asked Lawyer Albert C. Wall, for the defense.

Mr. Room said one could.

"How could you see a goat there?" "By looking at it," declared Mr. Room, sagely and low.

Girl Saw Shooting.

Mary Room, daughter of the previous witness corroborated her father's testimony.

"I looked out of the window," she said, "and saw Mr. Barker fire the last shot. I could not see Mr. Keller, but saw his coat on the sidewalk. Then Mr. Barker put the pistol in his right hand coat pocket and walked across Beach street."

"I heard Mrs. Buckley call 'Murder' next. I saw her pick up Mr. Keller's satchel."

Mrs. Room pointed out Barker as the man who had fired the shot.

Crowd's Great Preacher.

Rev. Mr. Keller kept his seat when the witness was called. All of the clergymen in the court crowded up to shake his hand and utter words of encouragement. One of the first to reach him was the venerable Bishop Starkey, who whispered to him at some length.

The stricken preacher took each hand offered him in both his own. He spoke in a low tone, smiling often.



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There Will Be 105 Witnesses Called to Testify Before the Trial Ends.

"What do you think of the trial thus far?" he was asked.

"Sure, I don't know anything about it," was the reply. "This is the first trial I ever attended in my life."

During the recess the vicinity of the court-house was the scene of a feverish forage for food.

Not in years has there been such a crowd to a trial, and the lone "chop house" within reaching distance was devastated ere fifteen minutes had elapsed. Delicatessen stores, saloons with free lunches and bakeries in the neighborhood did a thriving business. The favorite luncheon was a huckleberry pie and a glass of water.

The jurymen are all married and fathers of families.

Barker entered the court alone after the noon recess. A court attendant made a move to take away the chairs that had been occupied during the morning by Mrs. Barker and Miss Gernon, but Barker restrained him. He refused to say whether his wife would be in court or not. She was resting, he said, close to the court-house.

Cross-examination did not shake the testimony of Miss Room when she returned the stand this afternoon.

Louise G. Van Winkle, now of Newark, but who lived near the scene of the Keller shooting in Arlington at that time, testified to hearing the shots. She looked out of a window and saw Barker stooping over Keller. He fired three shots, then ran away.

Jennie M. Buckley, a neighbor of the Van Winkles, also heard the pistol shots. She opened the window and saw Barker standing over Keller.

"I saw him shoot again," she said, "and said to my husband, 'This is murder sure.'"

"Then I screamed murder at the top of my voice."

"Mr. Barker instantly turned, put something in his pocket and ran swiftly away. My husband chased him."

Mrs. Buckley described the hat and overcoat worn by Mr. Keller, and the identical garments were laid out on the witness stand in front of her for identification.

The overcoat was streaked with blood stains, and there were several holes in the hat.

Mrs. Buckley pointed out Barker as the man who did the shooting.

Doctor's Testimony.

The next witness was Dr. Piny W. Barber, of Arlington, the first medical man who reached the side of Rev. Keller after the shooting. He heard but one shot.

"What did you do with Mr. Keller?" "Mr. Room and I raised him to his feet and led him to the house."

"Show the jury where the wound was in Mr. Keller's head."

Dr. Barber stood up and placed the forefinger of his right hand against his temple. He said that there was another wound in Mr. Keller's head.

On cross-examination Mr. Van Winkle tried for the first time to combat the assertion of the State that Barker shot the minister from behind.

Keller's wound was in the right side of his head. The State claims that he was shot from the hedge around the Room property.

Edward Barker, a trolley conductor, was passing on his car at the time of the shooting. He testified that he got off his car and helped Mr. Keller to cross the street.

"How did Mr. Keller look when you saw him raised from the sidewalk?" "I saw him open his eyes. They looked like two balls of red putty. Dr. Barker raised him and said: 'If you have anything to say, Mr. Keller, you had better say it quick!'"

Woman Describes the Scene.

In describing the scene as she saw it Mrs. Buckley got out of the witness-stand to illustrate how Barker stooped over to fire the last shot at Keller.

"Where did it hit him?" queried Mr. Van Winkle.

"How do I know?" snapped the witness.

Frederick D. Buckley, husband of the previous witness, told how he chased Barker and boarded a trolley car with him to go and give himself up.

"I asked him why he ran and he said: 'I didn't want to get in any crowd.'"

"Whom have you shot?" I asked, "Keller," he said, "and I hope he is dead." We went to the Town Hall. The door was opened by the janitor. Barker told Janitor Terhune that he came to give himself up. Then he asked me to tell Dr. Marks that he had shot Keller and for the doctor to break it to his wife gently.

Why He Shot Keller.

"The janitor told Barker he could telephone to Dr. Marks, and he did so. I didn't hear what he said."

"What reason did Barker give for shooting Keller?" asked Mr. Van Winkle, in cross-examination.

"He said he thought he was justified."

"Will you swear he didn't speak of his wife?"

"I don't think he did," said Mr. Buckley, evasively.

Lawyer Van Winkle tried vainly to make the witness admit that Mrs. Barker's name had been mentioned.

Henry L. Marble, of Arlington, swore that he saw a man resembling Barker running away from the scene of the shooting.

George L. Wylie, who was close by when Keller was shot, said he saw a black cat running toward him after the shots were fired.

"Have you ever been mistaken for Mr. Barker?" he was asked by the defense.

"I never could make the mistake," was his reply.

The resemblance of Barker to the witness is quite strong.

Adeline Terhune, the wife of the janitor of the Town Hall, at Kearney, testified that she admitted Barker to the building when he gave himself up.

Anna Barker, the pale young woman wearing her hair and neck in a steel cage such as is used by persons with fractured necks, was sworn, \$1,000, saw Barker running away after the shooting.

Court adjourned at 4:30 until to-morrow morning.



MRS. KENNEDY.

Lawyers Moore and Cantwell, counsel for Dr. Samuel J. Kennedy, had a conference with District-Attorney Philbin this afternoon as to the disposition of the case. After the matter had been discussed for fifteen minutes the District-Attorney said that he would decide to-morrow whether he would allow the prisoner to go on bail or detain him in the Tombs and try him a fourth time for the murder of "Dolly" Reynolds.

It was inferred from the District-Attorney's attitude that he was inclined to let Dr. Kennedy go free, though he would make no statement as to his views.

While it is probable that Dr. Kennedy will not be tried a fourth time, he doubtless might have been acquitted had not the negligence of his devoted wife been unavoidably relaxed for a brief spell.

Separated from her husband and his lawyers, she had nevertheless been able to signal her acceptance and rejection of all the jurors save one—Foreman Aue, who was unalterably fixed in his belief of Dr. Kennedy's guilt, and whose attitude swayed three other jurors.

During the examination of talesmen she was called from the court-room. When she returned Mr. Aue had been selected as the first juror and occupied his seat in the box.

Wife's Foreboding.

She scanned him narrowly, as though by this silent process she could read his character and belief far better than did Lawyer Robert M. Moore by his skillful questioning. Then she bit her lips and looked worried. It was plain she was not pleased with the selection.

At the recess hour she said to the lawyers:

"You've made a mistake, Mr. Moore."

"And so it proved," said Mr. Moore to an Evening World reporter to-day.

"But, nevertheless, I am confident that Kennedy will be free to-morrow. The case will be decided, I hope, this afternoon at a conference between District-Attorney Philbin, Mr. Osborne and myself, at which it may be deemed expedient to move pro the indictment. If that is not done I shall ask Judge Newburger to release Kennedy on his own recognizance. That being denied, I shall ask to have bail fixed, but I am sanguine that neither of the latter will be necessary."

Cost \$112,000.

The cost of the three trials of Dr. Kennedy to the County of New York is estimated at more than \$112,000. Much of this was paid to expert witnesses as fees, including that paid to scientific and handwriting experts.

The first trial, which resulted in the conviction of the dentist, was the cheapest of the three. That cost a little more than \$13,000. The proceedings in the Court of Appeals brought the total cost up to about \$27,000.

The second trial cost the State nearly \$33,000, most of which was paid to have a fourth time. Philbin will give a fair decision on whether it will be attempted. But I will say that I am perfectly willing to try again and am confident that I could secure his conviction."

"It is not a man who should go free."

A conference was held this afternoon by District Attorney Philbin, Mr. Osborne and Lawyer Moore at which was discussed the probability of an application to admit Kennedy to bail.

It is generally expected the application will be made.

THEY DO IT.

People Quit Coffee and Get Well on Postum Food Coffee.

A man in Milford, Ind., says he did not quit drinking coffee because he thought it hurt him, but because he found a morning beverage he liked better in Postum Food Coffee, but to his wonder and surprise he found in a few weeks all of the old symptoms of sickness had left him.

He had been greatly troubled with his stomach and heart, also, with what is called "water brash," and dull headaches "which made a very irritable and quick-tempered."

All of these symptoms disappeared, and he discovered, in spite of all his previous theories, that coffee was really the cause of his troubles, and the leaving off of coffee and taking on Postum Food Coffee brought about a perfect cure.

He speaks also of Mrs. Josephine Kelly, living at Elkhart, Ind. Says she was afflicted much as he was, but had become more emaciated than he, and took on Postum Food Coffee. She is now a healthy and robust lady and willing to make affidavit that Postum Food Coffee saved her.

The gentleman from Milford speaks also of Thomas McDonald as having recovered by using Postum. It can be had at all grocers, but because it is boiled long enough to bring out the flavor and food value, then it is delicious.

1,000 on Strike.

WILKESBARRE, Pa., June 17.—About 1,000 men and boys employed at the Broderick collieries of the Temple Coal and Iron Company struck to-day because the company refused to discharge three non-uniforms.

LOOMIS LOSES HIS OLD POST.

Transferred to Portugal—Other Changes in Diplomatic Places.

WASHINGTON, June 17.—The following changes in diplomatic posts were announced to-day:

Frank B. Loomis, Minister to Venezuela, has been transferred to be Minister to Portugal, vice John N. Irwin, of Iowa, resigned.

Herbert W. Bowen, of New York, present Minister to Persia, has been transferred to Caracas, succeeding Mr. Loomis as Minister to Venezuela.

Lloyd C. Graham, of Pennsylvania, present First Secretary of Legation at Constantinople, has been made Minister to Persia.

Spencer P. Eddy, of Illinois, present Second Secretary at Paris, has been made First Secretary at Constantinople.

Arthur Bailey Blanchard, of Louisiana, has been promoted from Third to Second Secretary at Paris.

\$12,500 FOR MAN'S LIFE.

Dr. Cyrus Edison's Testimony Helped Widow in Damage Suit.

Mrs. Kate V. Hoy, widow of James J. Hoy, was awarded a verdict of